

REMARKS

In response to the Office Action, dated October 5, 2004, Applicants thank the Examiner for accepting the information disclosure statement.

Additionally, Applicants respectfully request reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. § 103. Applicants submit that the references of record whether considered alone or in combination fail to either teach or suggest Applicants' presently claimed invention.

Applicants have modified all the independent claims to specify that the EPG presentation is selectively modified by actually modifying the visual display of the EPG data. This advantageously provides a user or a broadcaster with the ability to selectively change the appearance of the EPG data based on desired preferences such as, for example, font size or style. The present invention is far superior to the present systems which provide limited options such as adding mattes over the existing presentation to alter appearances. There is simply no teaching or suggestion whatsoever concerning the ability to actually modify the interface of an EPG itself.

Connelly, U.S. Patent No. 6,144,376, is directed to systems and methods which merge PC content listings such as information pertaining to websites with TV program listings to display both using the familiar TV program guide interface. Col. 2, lines 14-28. More specifically, Connelly discloses that at least one PC content listing is formatted into a TV content listing format and thereafter, is either displayed in the TV listing format or merged with standard TV program listings for display. Col. 4, lines 32-39. The PC content listing may include links to web pages, message management systems, etc. Col. 4, lines 39-42. The

channels listed are predetermined by the cable TV provider and the user merely selects the content and corresponding channels that he wishes to include in his or her personalized listing. Col. 6, lines 11-13. Most importantly Connelly does not provide any teaching or suggestion whatsoever that an EPG presentation including actual EPG data may be selectively modified by a user.

Gibbs et al., U.S. Patent No. 6,292,187, is directed to systems and methods which allow insertion of "visual effects" into an existing broadcast application without the need to modify, recompile, or reverse engineer the broadcast application. Col. 2, lines 27-30. More specifically, Gibbs et al. discloses inserting mattes which alter the appearance of components and elements of a user interface. Col. 7, lines 1-3. Gibbs et al. discloses a user interface comprising a set of hierarchical components wherein each component is associated with an element of the user interface. Col. 6, lines 36-40. Each component and element may have mattes of same size associated therewith to provide some control over the look of the user interface. Col. 7, lines 8-33. However, this is substantially different from the present invention which modifies the actual EPG elements themselves. Most importantly, this reference is directed to modifications of the EPG by someone other than the user and therefore the combination of references will not result in the subject matter of the instant invention.

In addition, Matthews III et al., U.S. Patent No. 5,724,492, discloses a system which displays a plurality of panels, with the plurality of panels joined together so that the object has a three-dimensional appearance. Col. 3., lines 56-60. Mathews III et al. discloses that effects such as three-dimensional transitional effects may be achieved using texture mapping and employing three-dimensional graphics and animation. Col. 15, lines 47-51. Animation

may be achieved using pre-rendered transitions or dynamic generation using three-dimensional models and drawing routines. Col. 15, lines 51-58. However, these transitions and other effects are simply provided to provide the appearance of three-dimensional representation. Col. 17, lines 47-51. Mathews III et al. neither teaches nor suggests that a user or a broadcaster may selectively change the presentation, including attributes, of EPG elements themselves.

Slivka et al., U.S. Patent No. 6,061,695, is directed to an operating system shell which synthesizes a hypertext page with a graphical icon-oriented and menu-driven user interface for display as a desktop page. Col. 3, lines 14-23. Slivka et al. notes that packaged enhancements called "themes" can be used to alter the appearance and feel of a graphical user interface. Col. 2, lines 35-40. Slivka et al. goes on to note, however, that the themes provide only limited multi-media content enhancements to the desktop by changing the graphics of the my computer, network neighborhood, and recycling bin icons. Col. 2, lines 48-52. Nonetheless, Slivka et al. simply does not teach or suggest that an electronic program guide presentation may be selectively modified by morphing the EPG.

Moreover, Applicants note that combining references in order to defeat patentability has not been allowed by the Federal Courts unless evidence of a teaching or suggestion of such a combination is present. The U.S. Court of Appeals for the Federal Circuit held in *Dembiczak* that "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability." *In re Dembiczak*, 50 USPQ2d, 1614, 1617 (1999). In this case, there is no suggestion or motivation for the combination of the cited references.

Kikinis, U.S. Patent No. 6,205,485, is directed to a multimedia broadcast system including a broadband receiver to receive data stream constituting a command and a displayable indicia associated with the command. Col. 2, lines 15-27. More specifically, Kikinis provides that especially marked HTML pages are transmitted with one or more unique tags that convey commands to the set-top box to accomplish a number of unique functions. Col. 4, lines 38-43. For example, one such command-bearing tag causes links to be displayed, which when selected cause the system to change channels. Col. 4, lines 44-48. Nonetheless, Kikinis neither teaches nor suggests that a presentation of an EPG may be changed by a user or a broadcaster.

Borsuk, U.S. Patent No. 5,233,333, is directed to a portable unit having the display screen capable of displaying text in varying font sizes. In addition, Borsuk discloses a device which converts text to audio for the blind. However, Borsuk simply does not disclose that an EPG presentation may be selectively modified by a user.

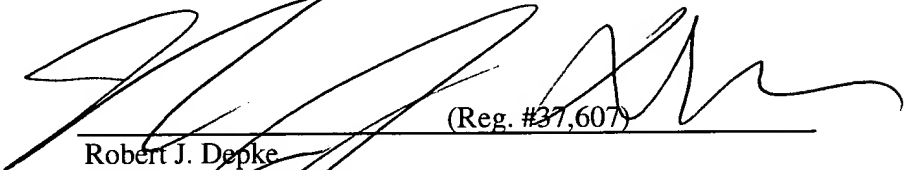
Additionally, as Applicants noted above, combining references in order to defeat patentability has not been allowed by the Federal Courts unless evidence of a teaching or suggestion of such a combination is present. The U.S. Court of Appeals for the Federal Circuit held in *Dembiczak* that "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability." *In re Dembiczak*, 50 USPQ2d, 1614, 1617 (1999). In this case, there is also no suggestion or motivation for the combination of the cited references.

Appl. No. 09/691,792
Amdt. Dated April 5, 2005
Reply to Office Action of October 5, 2004

The references of record fail to teach or suggest these advances in the art.
Accordingly, in light of the foregoing, Applicants respectfully submits that all claims now
stand in condition for allowance.

Respectfully submitted,

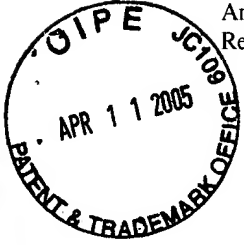
Date: April 5, 2005



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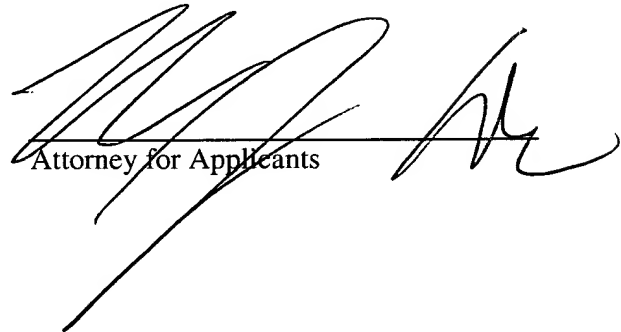
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